

SITE DEVELOPMENT PERMIT

FILE NO.	H19-009
LOCATION OF PROPERTY	647 South Sixth Street
ZONING DISTRICT	R-M Multiple Residence
GENERAL PLAN DESIGNATION	Residential Neighborhood
PROPOSED USE	Site Development Permit to allow the conversion of a 3,647-square foot single-family residence to a 5,548-square foot duplex, with a total addition of 181 square feet to the rear second story and attic, for a property listed on the City's Historic Resources Inventory as a Contributing Structure and a Structure of Merit in the Reed City Landmark District
ENVIRONMENTAL STATUS	Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures
OWNER/ADDRESS	William Wang 1656 Channing Avenue Palo Alto, CA 94303
APPLICANT/ADDRESS	William Wang 1656 Channing Avenue Palo Alto, CA 94303

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Project Description.** This Site Development Permit allows the conversion of a 3,647-square foot single-family residence to a 5,548-square foot duplex (basement addition), with a total addition of 181 square feet to the rear second story and attic, for a property listed on the City's Historic Resources Inventory as a Contributing Structure and a Structure of Merit in the Reed City Landmark District and in the R-M Multiple Residence Zoning District, on a 0.14-gross acre site.
2. **Site Description and Surrounding Uses.** The project site is located to the west of South Sixth Street, approximately 280 feet south of East Reed Street, at 647 South Sixth Street. The subject 0.14-gross acre site is currently developed with a two and a half story single-family residence, an accessory structure and open vehicle parking spaces in the rear yard, accessed from the rear alley. The site is generally surrounded by a mix of housing types and densities with single-family residences to the north, two-story duplexes and two-story apartment buildings to the

south, an elementary school, across South Sixth Street, to the east, and single-family and two-family residences, to the west, across the rear alley.

3. **General Plan Conformance.** The subject site is designated Residential Neighborhood on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

Existing development within this designation will typically have a density of approximately 8 DU/AC, but in some cases this designation may be applied to areas already developed at slightly higher or slightly lower densities. New infill development should conform to the *Envision General Plan* design guidelines for Residential Neighborhoods and be limited to a density of 8 DU/AC or the prevailing neighborhood density, whichever is lower.

For infill projects where 50% or more of the development on the same block (both sides of the street) is developed at a density greater than 8 DU/AC, new development can match the prevailing density. For any new project to exceed 8 DU/AC, it is necessary that: (1) other policies in this Plan are met, (2) applicable design guidelines are met, and (3) development does not exceed 16 DU/AC.

Analysis: The project proposes a density of 14 DU/AC with development of two-units on a 0.14-gross acre parcel and conforms to the prevailing density of 16 DU/AC, in that the project meets the (1) Housing Policy H-1.1 and Historic Preservation land Use Goal LU-13 and Policies LU-13.1, LU-13.8 and LU-14.1 of the General Plan, (2) applicable residential design guidelines and the Historic Preservation Guidelines, and (3) the development does not exceed 16 DU/AC, in conformance with the General Plan designation of Residential Neighborhood.

The project is consistent with the following General Plan policy:

Housing Policy H-1.1: Through the development of new housing and the rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.

Analysis: This project features conversion of a single-family residence to a duplex that would add to the existing diversity of housing in the area, which includes a mix of single-family homes, duplexes, and multi-family units.

Additionally, the proposed project promotes the following goal and policies of the General Plan with respect to historic preservation:

Historic Preservation Goal LU-13 – Landmarks and Districts: Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

Historic Preservation Land Use Policy LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

Historic Preservation Land Use Policy LU-13.8: Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

Historic Preservation Land Use Policy LU-14.1: Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character to maintain a connection between the various structures in the area.

Analysis: The proposed conversion of a single-family home to a duplex will be consistent with the goal and policies above. The proposed conversion will not result in significant changes to the historic resource when viewed from a public street. The new addition is to the rear second-story floor area and attic of the historic building and will not be visible from South 6th Street. Additionally, the new finishes at the rear addition will match the existing wood siding and shingle roofing materials. The windows will be replaced in kind to match the double hung wood windows at the second story. The addition will conform to the Secretary of the Interior's Standards for Treatment of Historic Properties, as described further below in this staff report.

4. **Zoning Ordinance Compliance.** The subject site is in the R-M Multiple Residence Zoning District. Pursuant to Section 20.100.610 of the City of San José Municipal Code a Site Development Permit is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations. Pursuant to Section 20.80.300, of the San José Municipal Code, no one-family dwelling in any district shall be converted to any other use except upon issuance of and in compliance with a Site Development Permit for conversion to a two-family dwelling or a duplex.

Pursuant to Section 20.100.1030.B and Chapter 13.48 of Part 3 of Title 13 of the Zoning Ordinance, modifications in a City Landmark District requires a Historic Preservation Permit. The details regarding Historic Preservation Ordinance and consistence with *Your Old House Design Guidelines* are an attachment to this permit.

The project proposes to add 125 square feet to the rear second story and 56 square feet at the attic, for a total of 181 square feet, which will be within the existing roof line and setbacks. There are no changes to existing building setbacks and height. The project is consistent with the regulations of the Zoning Ordinance in the following manner:

- a. **Use.** The proposed duplex is a permitted use in the R-M Multiple Residence Zoning District.

- b. **Setbacks and Height.** The project conforms to the setbacks and height requirements of the R-M Multiple Residence Zoning District per the following table:

	Minimum Setbacks (Required)	Proposed Project
Front Setback	10 feet	25 feet 4 inches
Side (North)	5 feet	3 feet 8 inches (existing)
Side (South)	5 feet	9 feet 2 inches
Rear Setback	25 feet	45 feet 6 inches
Maximum Height	45 feet	32 feet 2 inches

Pursuant to Section 20.30.400 (E), wells for basement windows or stairs of up to ten feet in length each, not occupying in the aggregate more than twenty percent of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two feet into the side and rear setback areas, provided that such extensions maintain a minimum side setback of three feet and a rear setback of fifteen feet. The lightwells of the project extend up to two feet in the required five-foot minimum side setback and will maintain three feet from the property line on the north side and a length of ten feet nine inches (20 percent of 54 feet six inches).

- c. **Parking.** The San Jose Zoning Ordinance requires two open vehicle parking spaces for duplex units with up to three bedrooms and 0.25 parking space per each additional bedroom. Unit 1 of the duplex has three bedrooms and requires two parking spaces, and Unit 2 of the duplex has six bedrooms and requires four parking spaces. The proposed duplex requires a total of six parking spaces, and six open parking spaces are provided (three tandem spaces) to meet the requirement.

Pursuant to Section 20.90.200(D) for off-site, alternating use and alternative vehicle parking arrangements, the director may issue a Site Development Permit rather than a Special Use Permit to allow tandem parking spaces on-site to satisfy up to fifty percent of the required number of off-street parking spaces when the following criteria are met: This Site Development Permit may be issued only upon a finding, based on an adequate parking management plan, that the reconfiguration of spaces will be adequate to meet the required number of off-street parking spaces generated by the project. The project accommodates three out of a total of six required parking spaces in a tandem configuration to meet the fifty percent requirement and hence conforms to the alternating use and alternative vehicle parking arrangement requirement. The project is, therefore, being processed under a Site Development Permit rather than under a Special Use Permit application.

The proposed parking will continue to be provided at the rear of the site for the life of the residential development and will be accessed from the existing 25-foot wide rear alley. The rear yard is sufficiently set back to accommodate the tandem parking spaces. The parking is, therefore, reasonably convenient, and accessible to the buildings or uses that are to be served and adequately conforms to the required parking management plan.

d. **Private Open Space.** Pursuant to Residential Design Guidelines, the project is required to provide 300 square feet minimum private open space for each three-bedroom duplex unit and an increase of 100 square feet for each additional each bedroom per unit. The duplex provides 556 square feet of private open space for Unit 1 and 743 square feet of private open space for Unit 2, consistent with the Guidelines.

5. **Environmental Review.** Section 15331 Historical Resource Restoration/Rehabilitation of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) consists of projects limited to maintenance, repair, stabilization, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Pursuant to Section 15303(b), for New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA), the proposed project includes the conversion of existing single-family home into two residential units, in an urbanized area, and is therefore, exempt under this section.

Analysis: The proposed rear addition will conform to the City's Historic Preservation Ordinance, City's Historical Design Guidelines, and to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

6. **Secretary of Interior's Standards.** This Historic Preservation Permit was reviewed in conformance with the Secretary of the Interior's Standards. The Standards applied to this project are those for Rehabilitation. The Standards for Rehabilitation that are most applicable to this project are Standards 2, 3, 5, 9 and 10 (five out of ten standards).

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.

Analysis: As mentioned before, the removal of the existing two-story deck and attic door at the rear will not remove any distinctive historical materials or alter character-defining features of the existing historic house. The new rear addition will align with the existing building lines and will have a lower but compatible roof form and mass, thereby retaining and preserving the overall architectural and historic character of the property.

Standard 3: Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Analysis: The dormer window addition at the rear does not change the character-defining features of the existing house and does not add features or elements from other historic properties. The proposed addition will continue the basic form of the existing residence and include matching roofing and exterior wall materials. The addition incorporates a functional design without conjectural features. The addition will include new windows which will match the existing wood windows of the house. All finished materials will retain the character of the existing residence. If the addition were removed, the integrity of the primary structure and its historic character would remain unchanged.

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Analysis: The rear addition of the house will require removal of an attic egress door and a second story deck; however, these are not considered to be distinctive features that define the historic character of the house because they are from a non-historic addition. The materials and finishes of the new addition will be compatible with those of the existing house.

Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Analysis: As stated above, the 181-square foot rear addition will be minor in nature when compared to the existing 3,647-square foot house with a basement and the addition will be subordinate in character to the primary residence. The new addition at the rear will be differentiated with the addition of a dormer attic window and a lower wood deck at the first story.

The addition will incorporate existing roof slope and materials and will complement the existing house but will not be visible from the front of the house. There are no other exterior alterations proposed except for addition of basement windows due to conversion to a habitable unit. All proposed windows will match existing wood windows in style and materials, as discussed above.

Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

7. *Analysis: The small attic and floor addition will be to the rear of the existing residence and feature a slightly lower roof pitch and height. Removing the addition would not impair the primary structure's location in the surrounding historic district. Should the addition be removed in the future, the historic form and integrity of the primary residence and surrounding historic district would remain unchanged. The single-family house conversion to duplex does not change the primary character-defining features of the historic house, as discussed before, and will maintain integrity of the historic property.*
8. **Historic Landmarks Commission.** The subject Historic Preservation Permit was placed on consent agenda at the Historic Landmarks Commission (HLC) public hearing held on December 4, 2019. The item remained on consent calendar with no further discussion. The Historic Landmarks Commission unanimously recommended approval of the project.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. **Site Development Permit Findings.** Section 20.100.630 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.
 - a. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable Specific Plans and area development policies.

Analysis: The proposed project, as discussed above, is consistent with the Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Residential Neighborhood, in that the project will have a density of 14 DU/AC which falls within the allowable prevailing density of up to 16 DU/AC, and therefore, conforms to the General Plan designation of Residential Neighborhood. Additionally, the project will further the General Plan Housing Policy H-1.1. and Historic Preservation land Use Goal LU-13 and Policies LU-13.1, LU-13.8 and LU-14.1 of the General Plan, as discussed above. The project is not located in any Specific Plan or a development policy area.

- b. The Site Development Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

Analysis: The project conforms to the building setbacks, height and parking per the R-M Multiple Residence Zoning District, as discussed under Zoning Compliance section above.

- c. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency.

Analysis: Consistent with Council Policy 6-30 for Public Outreach Policy, the project site was posted with a project information sign, and a notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The project is also consistent with Council Policy 6-29, Post-Construction Urban Runoff Management, in that the project plans were reviewed by the Public Works department and determined to be consistent with the City's stormwater requirements for impervious surfaces. There are no other City Council policies applicable to the project.

- d. The interrelationship between the orientation, location and elevations of the proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: The proposed duplex will have Unit 1 in the basement of the building with front entrance oriented towards the rear yard and Unit 2 of the duplex will remain oriented towards South Sixth Street. There is a small rear two-story addition of 125 square feet and habitable attic space addition of 63 square feet, for a total of 181 square feet, within the existing building footprint and roof lines. There is no change in materials and colors and the addition would match the existing 3-inch wide wood wall-siding and roof shingle materials. The new windows at basement and at new addition would match the existing wood windows. The access to parking spaces for each duplex unit is in the rear, accessible from the rear alley. Each unit has its own private patio accessible from within the interior floor space. Overall, the duplex units would be mutually compatible and aesthetically harmonious to each other on site.

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The front porch entry and steps of the existing front Unit 2 is oriented towards the street, matching the orientation of other single-family and two-family residences on the street. The parking is at the rear, accessed from the rear alley, similar to the floor plans of majority of other adjacent residences on the street. The project will, therefore, maintain the existing visual character of the neighborhood as viewed from the street.

There is no change to existing building materials or height. Unit 1 will be reconfigured within the basement of the existing house. The existing pitched roof, horizontal wood siding and window trims are residential in character and are similar in style and form to the other residences in the City Landmark neighborhood. The rear yard is sufficiently set back to accommodate the parking spaces accessible from the rear alley, similar to the orientation of parking and character of adjacent residences in the neighborhood and, therefore, will be aesthetically harmonious with adjacent development.

- f. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The project consists of internal floor area conversion of a single-family house to a two-family dwelling unit or a duplex and a small total addition of 181 square feet to the rear. The noise is limited to the construction period of the project during the posted construction hours between 7:00 a.m. and 7:00 p.m., Monday to Friday. The project will not cause any negative effect due to storm water runoff, drainage and erosion controls per the Final Memo issued by the Department of Public Works, dated 4/4/19. The project will, therefore, not have any negative effects on adjacent property or properties.

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: There are no changes to existing trees and landscaping. There are no other outdoor activities or storage proposed. The existing facilities are sufficient to maintain the appearance of the neighborhood.

- h. Traffic access, pedestrian access and parking are adequate.

Analysis: The project site is served by South Sixth Street which includes pedestrian sidewalks, walkways, and front door entrance to both units, accessible from South Sixth Street. The project includes adequate parking, up to six open spaces required per the Zoning Ordinance, accessed from the existing 25-foot wide rear alley, parallel to South Sixth Street, and will not increase the intensity of parking or traffic from the public right-of-way.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the permittee fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the permittee shall be deemed to constitute all of the following on behalf of the permittee:
 - a. Acceptance of the Permit by the permittee; and
 - b. Agreement by the permittee to be bound by, to comply with, and to do all things required of or by the permittee pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two (2) years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the permittee's intent to fully comply with said conditions.
4. **Use Authorization.** This Site Development Permit authorizes conversion of a single-family house to a duplex, with tandem parking, on a 0.14-gross acre site.
5. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the permittee for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
6. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit plans entitled, "Residential Remodel," 647 South Sixth Street, San Jose, CA 95112, dated received October 12, 2019, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
7. **Compliance with Laws.** The subject use shall be conducted in full compliance with all local, state and federal laws and regulations. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code or any other law.
8. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.

9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
10. **Trash.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
12. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
13. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
14. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
15. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
16. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
17. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set. Any modifications to the approved plans will require a Permit Adjustment at the discretion of the Director of Planning.
18. **Mechanical Equipment.** No roof-mounted or other exterior mechanical equipment shall be located within 120 feet of a residential property line unless a Sound Engineer has certified that noise levels from such equipment will not exceed 55 dBA at the residential property line.
19. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
20. **Irrigation Standards.** The permittee shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
21. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the Project, including information on available haulers and processors.

22. Building Division Clearance for Issuing Permits. Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This permit file number, H19-009 shall be printed on all construction plans submitted to the Building Division.
- b. *Americans with Disabilities Act.* The permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- c. *Emergency Address Card.* The Project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
- d. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.

23. Public Works. Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Building Permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanioseca.gov/index.aspx?nid=2246>.

- a. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
- b. **Transportation:** The projected traffic for this project was reviewed and found to be minimal, therefore no further traffic analysis is required.
- c. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.

- iii. The Project site is within the State of California Seismic Hazard Zone for Liquefaction. Based on the scope of the work, a Geologist review is not necessary.
 - d. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
 - e. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
 - f. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - g. **Parks:** This residential project is located in Park Fee Zone 9 and is subject to the payment of park fees in-lieu of land dedication under either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code).
 - h. **Street Improvements:**
 - i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - ii. Remove and replace broken, uplifted curb and gutter as well as broken, uplifted or non-ADA compliant sidewalk along project frontage.
 - i. **SNI:** This project is located within the University SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
 - j. **Street Trees:**
 - i. Replace any missing street trees in empty tree wells or park strips along project frontage and match existing trees per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings.
 - ii. Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
24. **Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or

- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **11th day of December 2019.**

Rosalynn Hughey, Director
Planning, Building, and Code Enforcement

Deputy

DRAFT